IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

OP.No. 1901 of 2002(S)

PETITIONER:

SAM PHILIP, HIGH SCHOOL ASSISTANT,
B.E.M.HIGH SCHOOL, PALAKKAD.

BY ADV. SRI.B.K.PURUSHOTHAMAN

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVT. GENERAL EDUCATION DEPARTMENT, THIRUVANANTHAPURAM.**

2. **THE DISTRICT EDUCATIONAL OFFICER, PALAKKAD.**

3. **THE ACCOUNTANT GENERAL (A & E), AUDIT, KERALA, THIRUVANANTHAPURAM.**

4. **THE HEADMASTER, B.E.M.HIGH SCHOOL, PALAKKAD.**

BY GOVERNMENT PLEADER SMT.T.B.RAMANI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.3401/2002 IN OP. NO.1901/2002

DISMISSED

12.07.2007 SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER NO.B5/10244/99 DT. 15.10.99 ISSUED BY R2.

EXT.P2:- COPY OF THE AUDIT OBJECTION NO.SPL. CELL (HQ) II/III/13/2645/850 DT. 26.3.01 ISSUED BY R3.

EXT.P3:- COPY OF THE GOVERNMENT ORDER G.O. (P) NO.615/(138)/97/FIN DT. 28.6.91 ISSUED BY R1.

EXT.P4:- COPY OF THE GOVT. ORDER G.O.(P) NO.352/96/FIN. DT. 11.4.96 ISSUED BY R1.

EXT.P5:- COPY OF THE ORDER G.O.(P) NO.399/99/FIN DT. 5.2.99 ISSUED BY R1.

EXT.P6:- COPY OF THE ORDER G.O.(P) NO.1503/99/FIN. DT. 22.6.99 ISSUED BY R1.

EXT.P7:- COPY OF THE REPRESENTATION SUBMITTED BY PETITIONER BEFORE R3 DT. 15.8.01.

/TRUE COPY/

P.A. TO JUDGE

tss

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.1901 OF 2002

Dated this the 12th day of July, 2007

JUDGMENT

The issue raised in this writ petition is covered in favour of the petitioner as per the decision of this Court in **State of Kerala and Others** v. **Lissy Joseph M**. [2006 (1) KLJ 566]. Hence, it is declared that the petitioner is entitled to the benefit of pay as per Ext.P1 in terms of the aforesaid judgment. Consequential orders shall be issued in terms of this declaration by the competent among the respondents, within an outer limit of three months from the date of receipt of a copy of this judgment.

The writ petition is disposed of with the above directions. No costs.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.1901 OF 2002

JUDGMENT

12TH JULY, 2007.

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